

**REMARKS**

Claims 1-22 were presented for examination and stand rejected under 35 USC §103(a). Claims 1, and 12 - 22 have been amended and remain pending. Applicant requests reconsideration of all claims in view of the accompanying amendments and remarks.

**Amendments to the Specification**

Paragraph 0011 of the application is amended to include the application number and filing date for the related co-pending application.

Paragraph 0038 is amended to correct clerical errors.

Paragraph 00119 is amended to correct clerical errors.

**Amendments to the Claims**

Independent claims 1 and 12 have been amended such that the preambles now read as follows, respectively:

"A gateway located at consumer premises and having a user interface for allowing a user at the consumer premises to interact with the gateway and thereby obtain user services, the gateway comprising:" (claim 1)

and,

"A method for providing a consumer service to consumer premises using a gateway located upon the premises, the gateway having a user interface for allowing a user to interact with the gateway, the method comprising:" (claim 12)

Accordingly, Applicant clearly characterizes its claims as a gateway or a method using a gateway operating within the environment of consumer premises and having a user interface for allowing a user at the premises to interact with the gateway. Since the references cited by the Examiner, further discussed hereinbelow, fail to disclose or suggest the above limitations, Applicant believes that all pending claims are allowable. The above amendments find support in at least the following places ¶45, lines 4-6, ¶91, lines 13-15, ¶112, lines 1-8, and ¶116, lines 1-2 and Fig.2. As such, the amendments to independent claims 1 and 12 do not add new matter.

Dependent claims 13-22 have been amended to improve antecedent basis.

**35 USC §103(a) Rejection of claims 1-22**

The Examiner rejected claims 1-22 under 35 USC §103(a) as being unpatentable over Heindel et al. (US Patent No. 6,304,857) (hereinafter Heindel) in view of Vasell et al. (US Patent No. 6,496,575) (hereinafter Vasell). For at least the reasons set forth below, Applicant respectfully traverses these rejections.

First, the Examiner alleges that Heindel teaches "a secure partition associated with the gateway and operable to control access to at least one utility service and a bundle associated with the secure partition" (office action, page 3, citing Heindel abstract and Fig. 3). Rather, Heindel teaches a system that allows a billing party (e.g. a credit card company) to design bills using templates so that the bills can be provided to a

third party service center for formatting and distribution to customers (abstract, Fig. 1, col. 2, line 55 to col. 3, line 10). In other words, Heindel deals with a billing entity and a service center while being silent with respect to operations occurring at a customer's location. As such, Applicant cannot discern any teachings as alleged by the Examiner within Heindel that are germane to Applicant's claims, particularly in view of the operating environment now claimed in amended claims 1 and 12. Accordingly, Heindel does not teach or suggest this claimed subject matter. Therefore, Applicant respectfully suggests that the 35 USC §103(a) rejection should be withdrawn solely on the basis of this deficiency in the applied reference. Furthermore, consider the following additional deficiencies in Heindel.

Next, the Examiner asserts that Heindel discloses "a consumer service associated with the secure partition" (office action, page 3 citing Heindel, col.1, lines 20-34). Applicant finds no such teaching in Heindel at the location cited by the Examiner, nor does Applicant find such teaching elsewhere in Heindel. This cited portion of Heindel merely discusses a prior art technique where a billing entity determines how its billing statements will be formatted in appearance (background of invention at col. 1, lines 20-34). Furthermore, other discussion in Heindel deals primarily with information formatting and exchange between a biller and a service center, and to a lesser extent with providing billing data to a customer's computer display using the service center and a network (Fig. 1, Fig. 2, col. 2, lines 31-41). This has nothing to do with Applicant's claimed subject matter.

Applicant discloses secure partition 114 operating within

gateway 30 (operating at consumer location 12) to prevent communication to/from unauthorized bundles 142 which are also executing in gateway 30 (Fig. 1 and 2, ¶0092, lines 1-2). Consumer services are services that implement specific API interfaces (running in gateway 30) to provide functionality to user 36 (¶0090, lines 1-7). Among other things, the language of claims 1 and 12 referenced by the Examiner operates on the receiving (consumer) end of a transaction and not on the sending (biller/service center) end as disclosed in Heindel. As such, Applicant does not believe that Heindel teaches or suggests "a secure partition associated with the gateway and operable to control access to at least one utility service and a bundle associated with the secure partition" (claim 1, lines 4-6) or "controlling access between at least one service associated with a secure partition" (claim 12, lines 4-5). Accordingly, Heindel does not disclose or suggest this claimed subject matter where the gateway is located inside the consumer premises. Again, the 35 USC §103(a) rejection could be withdrawn solely on the basis of this deficiency in the above reference.

Next, the Examiner asserts that Heindel teaches "an application programmer interface (API) associated with the secure partition and providing at least one support function to the consumer service" (office action, page 3 citing to col. 9, lines 40-55). This cited portion of Heindel discloses a biller integration system (BIS) utilizing an API operating in conjunction with a transfer service for sending information over a network to a service center (col. 9, lines 40-61). As previously discussed, the service center formats bills for transmission to a customer (consumer). As such, the API

discussed in Heindel does not interact so as to "provide at least one support function to the consumer service" operating at a consumer premises on a gateway operating at the premises as recited in Applicant's independent claims 1 and 12. Accordingly, Heindel fails to disclose or suggest this claimed subject matter. Therefore, again, the 35 USC §103(a) rejection could be withdrawn on the basis of this deficiency alone in the above reference.

Next, the Examiner asserts that Heindel teaches "a provisioning service associated with the secure partition and API bundle operable to install the consumer service" (office action page 3 citing Heindel col. 9, lines 40-55). This cited portion of Heindel, in fact, teaches an API that allows data to be saved to a file and copied from the billing integration system (BIS) to the service center using conventional file system procedures (col. 9, lines 40-55). This activity is performed at a location remote from any consumer or user. Nowhere in Heindel does it teach "a provisioning service associated with the secure partition and API bundle" where this claimed activity takes place at a location on the consumer premises (claim 1, lines 11-13, claim 12, lines 10-12). Accordingly, Heindel fails to disclose or suggest this claimed subject matter. Therefore, again, the 35 USC §103(a) rejection could be withdrawn on the basis of this deficiency alone in the above reference.

Next, the Examiner asserts that Heindel teaches "a billing service associated with the secure partition and the API bundle, the billing service operable to provide billing capabilities to the consumer service" (office action, page 3 citing Heindel

abstract). While, Heindel does teach a billing service comprised of a biller and a service center operatively coupled such that bills can be generated and transmitted to a consumer (customer), the reference fails to teach elements of claim 1 as alleged by the Examiner. In particular, Heindel fails to teach or suggest a billing service "operable to provide billing capabilities to the consumer service" (claim 1, lines 16-17). At best, Heindel sends a bill to a consumer which in no plausible way teaches or suggests "billing capabilities to a consumer service" operating on a gateway upon the consumer's premises (claim 1, lines 15-17). Therefore, again, the 35 USC §103(a) rejection could be withdrawn solely on the basis of this deficiency in the above reference.

Next, the Examiner believes Heindel teaches or suggests " a profile service associated with the secure partition and the API bundle, the profile service operable to store a user profile" (office action, page 3 citing Heindel abstract). In Heindel, stored templates are used to format bills generated by a particular billing party (biller or service center) for distribution to customers in a format dictated by the sending party (service center) (col. 3, lines 3-9). Although Heindel is silent with respect to "profiles", if a "profile" were to be used it would necessarily have to be a "biller profile" or a "service center profile" and not a user (consumer) profile as used in Applicant's independent claims 1 and 12. As such, Heindel fails to teach or suggest "a profile service associated with the secure partition and the API bundle, the profile service operable to store a user profile" (emphasis added, claim 1, lines 18-20) or "storing a user profile associated with a

user by a profile service associated with the secure partition and the API bundle" (emphasis added, claim 12, lines 16-18). Accordingly, Heindel does not disclose or suggest this claimed subject matter. Therefore, once again, the 35 USC §103(a) rejection could be withdrawn solely on the basis of this deficiency in the above reference.

Regarding Vasell, the Examiner states that it discloses "a service gateway system that facilitates development, implementation, operation and maintenance services" (office action, page 4 citing Vasell col.2, lines 60-67). The Examiner goes on to state that it would have been obvious to one skilled in the art to modify the electronic billing of Heindel by including the above limitations of Vasell because such modification would provide the electronic billing of Heindel with the enhanced capability of monitoring operation in an integrated manner (office action, page 4). Applicant disagrees with the above characterization of the combination because Heindel, as previously discussed, addresses a billing entity and a service center. As such, combining the disclosure of Heindel with that of Vasell fails to teach or suggest a gateway as disclosed in claim 1 or a method for providing consumer services using the gateway as described in claim 12.

As discussed hereinabove, Heindel fails to teach or suggest numerous elements of amended independent claims 1 and 12 and combining Vasell with Heindel fails to cure these deficiencies. Therefore, the asserted combination of Heindel and Vasell envisioned by the Examiner is insufficient to support a valid 35 USC §103(a) rejection. Accordingly, Applicant requests that the 35 USC §103(a) rejection based on the combination of Heindel and

Vasell be withdrawn and that independent claims 1 and 12 are in a condition for allowance as are all claims depending therefrom, namely 2-11 and 13-22, respectively.

### **CONCLUSION**

In view of the amendments to independent claims 1 and 12 and Applicant's arguments given in response to the 35 USC §103(a) rejections of claims 1-22, Applicant requests that the 35 USC §103(a) rejection in view of Heindel and Vasell be withdrawn. Applicant further requests that independent claim 1 and claims 2-11 depending therefrom along with independent claim 12 and claims 13-22 depending therefrom be allowed. No new matter has been introduced as a result of this amendment. Reconsideration and allowance of all claims is earnestly requested.



PATENT

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It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 07-2339. If the Examiner has any questions or comments, he is kindly urged to call the undersigned to facilitate prosecution.

Respectfully submitted,

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